

REMARKS:

Applicant includes herewith a two (2) page copy of Reference B, American Science & Surplus Catalog, October 2003, volume 188, page 55 showing a small vibrator, as cited in the Information Disclosure Statement filed on 01 December 2003, which includes the cover page and page 55 only.

Claims 5 and 6 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Applicant has now modified claims 5 and 6 and accordingly the §112 rejection should now be withdrawn.

Claims 1-3, 5, 9 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rocco in view of Gray. Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rocco in view of Gray and further in view of Firooz. Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rocco in view of Gray and further in view of Gilmore. Claims 7-8 and 11-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rocco in view of Gray and further in view of Sipe.

Applicant has now modified claim 1 to better define his invention over the prior art of record. Specifically, applicant

has described his device by including the attachment of the vibrator's strap to the wearer's knee to signal the wearer in a sensitive area on the leg, namely the knee area.

Applicant's device is intended for those that have nerve damage to the feet and lower legs and to maximize the signal received. Applicant's signal generator (vibrator) is placed at the knee as shown in Fig. 1. Thus, electrical conductor 28 is of a length to deliver the electrical pulses away from the injured or damaged nerve areas of the wearer's foot and lower leg so a well defined signal is received when the shoe comes in contact with a ground surface and the switch closed. This will help the wearer walk in a normal manner as described on the bottom of page 4 of the specification.

Prior art patents such as Sipe, Bechmann and Gilmore demonstrate signaling devices attached to the leg. However these patents do not place the signal generator at a sensitive leg area (near the knee) away from injured or damaged nerves in the foot or lower leg. It is critical that applicant's device be placed away from the foot and lower leg since the lower extremity of the wearer has damaged nerves and can be less sensitive to such signals.

The primary reference of Rocco teaches the use of a light on a shoe for entertainment of others. This device actually teaches away from the concept of applicant because applicant teaches a signal sent to the shoe wearer upon initial contact

with the ground. The actual wearer may not receive the signal, (light) in Rocco since the signal is provided for others to enjoy and also requires a conscientious effort of placing the front portion of the shoe on the ground. In Rocco, a wearer of the device must look at it to receive the signal which would defeat the purpose of applicant's device, that is to walk in a normal, upright fashion and not with a bowed head or on tip toes.

Further, the devices of Bechmann and Gilmore are intended to measure predetermined loads placed on the foot of the wearer. Applicant's device is activated upon initial placement of the shoe on the ground for detecting the same.

Accordingly, applicant believes with the changes made to the claims that all remaining claims as now presented are in condition for allowance over the prior art patents of Gray, Rocco, Gilmore, Sipe and Firooz whether such art is considered severally under §102 or in combination under §103. Claim allowance is therefore earnestly solicited at the Examiner's earliest convenience.

Respectfully submitted,

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I do hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this the 17th day of May, 2005.


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